

Exhibit A

December 18, 2007 Oral Argument Transcript

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK
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3 ALBERT T. BEANE, JR.,
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4 Plaintiff,
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5 v. 07 Civ. 9444 (RMB)
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6 THE BANK OF NEW YORK MELLON
6 CORPORATION, et al.,
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7 Defendants.
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8 -----x
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10 New York, N.Y.
10 December 18, 2007
11 3:10 p.m.
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12 Before:
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13 HON. RICHARD M. BERMAN
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14 District Judge
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15 APPEARANCES
15
16 MCTIGUE & PORTER, LLP
16 Attorneys for Plaintiff
17 BY: GREGORY Y. PORTER
17 PATRICK DEGRIFELLES
18
18 MILBANK TWEED HADLEY & MCCLOY
19 Attorneys for Defendant The Bank of New York
19 Mellon Corporation and BNY Convergen Execution Solutions,
20 LLC
20 BY: THOMAS ARENA
21 DOROTHY HEYL
21
22 GIBSON DUNN AND CRUTCHER
22 Attorneys for Defendant Callan Associates, Inc.
23 BY: PAUL BLANKENSTEIN
23 THOMAS JOHNSON
24
24
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25
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1 (In open court)
2 THE COURT: Nice to see you all. So here is what I
3 think we ought to do. We have these letters which are
4 competing to file motions and also discuss the need for some
5 discovery, and also what I would typically do in a case like
6 this is, if the plaintiff wants, give the plaintiff an
7 opportunity to amend. I don't know if you want to avail
8 yourself, but that way, having taken that opportunity, if there
9 is a motion to dismiss and it is successful, we are done. I
10 don't know if, in the face of the letters that you have seen
11 from defendants, if you were interested in that option.
12 MR. PORTER: No, your Honor, I don't think there is
13 anything we need to amend. Thank you.
14 THE COURT: And the next question is, let's talk a
15 little bit about the discovery that people feel is necessary,
16 which I would prefer to see before we have motion practice, if
17 the defense goes forward with its motion for class
18 certification.
19 MR. BLANKENSTEIN: We would need to take discovery
20 with respect to some of the class issues, your Honor.
21 THE COURT: So what kind of time frame?
22 MR. BLANKENSTEIN: At least a 60- or 90-day time
23 frame.
24 THE COURT: 60, 90 days, we are almost done with our
25 schedule.